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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,075	12/09/2003	Christian Stricker	TRW(ASG)6884	3739
26294	7590	06/06/2006	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114			GOODEN JR, BARRY J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/731,075

Applicant(s)

STRICKER ET AL.

Examiner

Barry J. Gooden Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2006 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. This office action is in response to the amendment filed 3/23/2006. Currently, claim 1 is amended, claim 10 is added, claims 2-5 and 7-9 are original, and claim 6 is cancelled.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edge, EP 0773142 A1, in view of Rink et al., US Patent 5,759,219.

In regards to claims 1-5, Edge discloses a gas bag module for a vehicle occupant restraint device, said gas bag module comprising a gas generator and a diffuser wherein the diffuser has a cup-shaped section, surrounding said gas generator, and wherein said cup-shaped section has a gas-permeable filter section consisting of a porous material. Examiner notes that the diffuser of Edge will filter the gas and remove particulate matter.

Wherein the cup-shaped section is designed as a deformation element, so as to dissipate at least part of an impact energy of an impacting vehicle occupant by deformation of said diffuser (Column 2, Line 56 – Column 3, Line 6);

in which said filter section is designed such that it acts as a particle filter for gas flowing there through;

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wherein said cup-shaped section comprises a side wall and a cover, said side wall being formed from said porous material; and,

wherein said cup-shaped section consists of said porous material.

Edge discloses all of the claimed elements excluding the cup-shaped section consisting of sintered metal fibers.

Rink et al. discloses a gas-permeable filter section (32) consisting of a sintered porous material, said porous material being selected from the group consisting of sintered metal powders, sintered metal fibers and metal foams (column 1, lines 63-65).

in which said filter section (32) is designed such that it acts as a particle filter for gas (G) flowing there through;

wherein said filter section consists (32) of sintered metal fibers with a porosity of 85-95% (column 1, lines 63-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rink et al. in view of the teachings of Edge et al. to include a cup-shaped section being designed as a deformation element and without any filter within the gas generator so as to provide increased safety in crashes not requiring the airbag to be inflated and reduce the cost of producing the gas generator by integrating the deformable diffuser and the filter.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rink et al. in view of Edge et al., as applied to claim 1 above, and further in view of Scherzinger et al., US Patent 6,398,255 B1.

Edge in view of Rink et al. teaches all of the claimed elements excluding being mounted so as to oscillate.

Scherzinger et al. teaches mounting a gas generator so as to be able to oscillate.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gas generator mounting of Edge in view of Rink et al. in view of the teachings of Scherzinger et al. to include being able to oscillate so as to provide a resiliently yielding mounting.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edge in view of Rink et al., as applied to claim 1 above, and further in view of Carothers et al., US Patent 5,489,118.

Edge in view of Rink et al. teaches all of the claimed elements excluding: a cup-shaped section having a rim with a laterally projecting ring-shaped flange provided thereon, and at least one fastening element being embedded in said flange.

Carothers et al. teaches a cup-shaped section (18) having a ring-shaped flange (46) provided thereon, and at least one fastening element ("hooked portions", column 5, line 7) being embedded in said flange (46) and being connected metallurgically to the cup-shaped section (18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cup-shaped section of Edge in view of Rink et al. in view of the teachings of Carothers et al. to include a ring-shaped flange having an embedded and metallurgically connected fastening element so as to provide a simplified connection and "sealingly connect" (column 4, line 65) the cup-shaped section and another portion, for instance the cover of Rink et al. in view of Edge et al.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edge in view of Rink et al., as applied to claim 1 above, and further in view of Kayser, US Publication 2004/0004345.

Edge in view of Rink et al. teaches all of the claimed elements excluding the gas generator being realized without any filter within the gas generator.

Kayser discloses a gas generator being realized without any filter within the gas generator.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gas generator of Edge in view of Rink et al., as applied to claim 1, and further in view of the teachings of Kayser to include being realized without a filter within the gas generator so as to eliminate redundant parts and thereby reduce cost.

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8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edge in view of Rink et al., as applied to claim 1 above, and further in view of Ball, US Patent 3,111,396.

Edge in view of Rink et al. teaches all of the claimed elements excluding metal foam.

Ball teaches sintered metal foam (Column 1, Lines 8-32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the porous material of Edge in view of Rink et al., as applied to claim 1 above, and further in view of the teachings of Ball to include consisting of a metal foam so as to provide a material of appropriate rigidity and pore size.

#### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

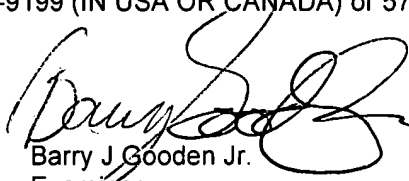
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

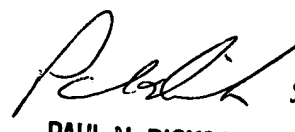
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 5/30/06  
Barry J. Gooden Jr.  
Examiner  
Art Unit 3616

BJG

 5/30/06  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600